

SIKKIM



GOVERNMENT

GAZETTE

**EXTRAORDINARY
PUBLISHED BY AUTHORITY**

Gangtok

Thursday 18th May, 2023

No. 203

**GOVERNMENT OF SIKKIM
HOME DEPARTMENT
TASHILING, GANGTOK – 737102**

No. 29/Home/2023

Dated: 18/05/2023

NOTIFICATION

In compliance with the judgment of the Hon'ble Supreme Court of India in criminal Appeal No. 652 of 2012, Union of India Vs. Mohanlal & another, vide Order dated: 28th January, 2016 and Standing Order No. 1/89, dated: 13th June, 1989 issued by the Ministry of Finance (Department of Revenue), Government of India, the State Government is hereby pleased to set up Malkhana/Storage Godown, duly equipped with vaults and double locking system to prevent theft, pilferage or replacement of the seized drugs, at District Administrative Centre in the District Headquarters of Gangtok, Gyalshing, Mangan, Namchi, Pakyong and Soreng for the exclusive storage of Narcotics Drugs and Psychotropic and controlled substances seized under the Narcotics Drugs and Psychotropic Substances Act, 1985, Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988 and Sikkim Anti-Drugs Act, 2006.

2. The Additional/Deputy Superintendent of Police, Headquarters of all the Districts shall be designated as the Incharge of the Malkhana and in his/her absence by the Sub Divisional Police Officer of the District who is stationed in the District Headquarters.

3. The following conditions as laid down in Standing Order No. 1/89, dated: 13th June, 1989 shall be followed in letter and spirit;

- (1) The Incharge shall exercise utmost care, circumspection and personal supervision as far possible. Each seizing officer shall deposit the drugs fully packed and sealed in the godown within 48 hours of such seizure, with forwarding memo indicating NDPS Crime No. as per Crime and Prosecution (C & P Register) under the new law, name of the accused, reference of test memo, description of the drugs, total nos. or packages/containers etc.
- (2) The seizing officer, after obtaining acknowledgement for such deposit in Form I, shall hand over to the Investigation Officer of the case along with the case dossiers for further proceedings.

- (3) The officer-in-charge of the godown, before accepting the deposit of drugs, shall ensure that same are properly packed and sealed. He shall also arrange the packages/containers (case-wise and lot-wise) for quick retrieval etc.
- (4) The godown-in-charge is required to maintain register wherein entries of receipt shall be made in Form II.
- (5) It shall be incumbent upon the Inspecting Officers of various Departments mentioned at Form II to make frequent visits to the godowns for ensuring adequate security and safety and for taking measures for timely disposal of drugs. The Inspecting Officers shall record their remarks/observations in Col. 15 of Form-II.
- (6) The Heads of the respective enforcement agencies (both Central and State Government) may prescribe such periodical reports and returns, as they may deem fit, to monitor the safe receipt, deposit, storage, accounting and disposal of seized drugs.
- (7) Since the early disposal of drugs assume utmost consideration and importance, the enforcement agencies may obtain orders for pre-trial disposal of drugs and other articles (including conveyance, if any) by taking recourse to the provisions of sub-section (2) of section 52A of the NDPS Act, 1985 and sub-section (2) of section 26 of Sikkim Anti Drugs, Act, 2006.

By order and in the name of the Governor,

**V.B. Pathak, IAS
Chief Secretary
Government of Sikkim
File No. 166/GOS/POL/DIGP/GTK/RANGE/2022**

GODOWN RECEIPT

Received (No.) _____ Packages/containers said to contain
_____ (Description of Drugs) sealed with the seal No.
_____ of (Name & Designation) seizing officer and entered into
godown register vide entry No. _____.

Facsimile of the seal _____.

Signature of the Officer-in-
Charge of godown with full
name and official seal

Place :

Date :

Time :

**FORMAT OF REGISTER REQUIRED TO BE
MAINTAINED BY THE GODOWN IN CHARGE**

1. Godown entry S. No.
2. NDPS/SADA Crime No.
3. Description of drugs in the sealed packages/
containers and other goods, if any
4. No. of packages/containers (drug-wise)
5. Quantity of drug (package/container-wise)
6. Particulars of the test memos
7. Name(s) and address(es) of accused
8. Name with official designation and address
of seizing/depositing officer
9. Facsimile of the seal put on the packages/
containers by the seizing officer
10. Date and time of deposit
11. Particulars of exit and re-entry for
exhibiting to court
12. Date and time of removal for disposal
13. Disposal particulars including destruction or
despatch to Central Government Opium Factory
14. Certificate of disposal including price payment
particulars from Government Opium Factory,
where applicable
15. Remarks of the Inspecting Officer(s)*

* Inspecting Officers : In the case of Central Enforcement Agency : (1) D.G. NCB, (2) Dy. D.G. NCB, (3) Narcotics Commissioner of India, (4) Dy. Narcotics Commissioners, (5) D.G.BSF, (6) Dy. D.G.BSF (7) Sr. Officers of CBI, (8) Principal Collector, Customs & Central Excise, (9) Collector, Customs & Central Excise, (10) Assistant Collector of Customs and Central Excise.

In the case of State Enforcement Agency : (1) D.G of Police (2) I.G. of Police, (3) Dy. I.G.P, (4) Superintendent of Police, (5) State Excise Commissioner, (6) Dy. Excise Commissioner (7) Superintendent of Excise and equivalent officer of State Government in the authorised departments.

**CERTIFICATE OF DESTRUCTION OF NARCOTIC DRUGS AND
PSYCHOTROPIC SUBSTANCES
(PARA 9, 10 OF THE STANDING ORDER NO. 2/88)
DETAILS OF THE DRUGS AND SUBSTANCES DESTROYED**

Particulars of the drugs (1)	Seizure case file ref. No. (2)	Godown Register entry No. (3)
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As recorded in the
Godown register
(4)

Gross Weight (a)	Net Weight (b)
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Weight ascertained on
physical verification
(5)

Gross Weight (a)	Net Weight (b)
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Name and address of the witness
(6)

Date/Place/Mode of destruction
(7)

It is certified that a Committee consisting of S/Shri _____
supervised the destruction of narcotic drugs and psychotropic, substances particularised above,
in the presence of following witness, (delete whatever is not applicable).

**SIGNATURE
WITH DATE
(CHAIRMAN)**

**SIGNATURE
WITH DATE
(MEMBER)**

**SIGNATURE
WITH DATE
(MEMBER)**

